

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 59, 61-66, 68-73, and 75-79, and 81-88 are pending in the application, with claims 59, 66, 73, 81, and 83 being the independent claims. Claims 59, 66, 73, 81, and 83 are sought to be amended. New claims 84-88 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Support for the proposed amendments is found, *inter alia*, at paragraph [0073] of U.S. Patent Application Publication No. 2002/0072918 (p. 42, ll. 2-5 of the as-filed Specification). New claims 84-88 are based, *inter alia*, on features deleted from independent claims 59, 66, 73, 81, and 83, and find similar support in the Specification.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 112*****Rejection of claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 112, second paragraph, for allegedly lacking antecedent basis for the term "the additional input." Applicants seek to delete this claim language where it appears throughout the claims, thereby accommodating the rejection.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 112, second paragraph.

*Rejection of claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 112, first paragraph*

The Examiner has rejected claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement with regard to the feature "updating the previously stored acoustic model based on the additional input." Applicants seek to delete this claim language, without acquiescing to the propriety of the rejection, thereby accommodating the rejection.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 112, first paragraph.

*Rejections under 35 U.S.C. § 103*

*Claims 59, 63, 64, 66, 70, 71, 73, 77, 78, 81, and 83*

The Examiner has rejected claims 59, 63, 64, 66, 70, 71, 73, 77, 78, 81, and 83 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,956,683 to Jacobs et al. ("Jacobs") in view of U.S. Patent No. 5,946,658 to Miyazawa et al. ("Miyazawa"). Applicants respectfully traverse.

Claim 59 as amended recites, *inter alia*:

wherein the transceiver is further configured to transmit data to the device, responsive to the command, via the communication network using communication channels comprising:

a high bandwidth communication channel configured to transmit data supporting audio or video output at the device, and

a low bandwidth communication channel configured to transmit data supporting control signals for operation of a primary functionality component of the device

Jacobs and Miyazawa do not teach, suggest, or disclose at least the aforementioned features, particularly the use of high bandwidth communications *and* low bandwidth communications in the claimed manner (e.g., "a high bandwidth communication channel configured to transmit data supporting audio or video output at the local device" and "a low bandwidth communication channel configured to transmit data supporting control signals").

Accordingly, claims 59, 63, 64, 66, 70, 71, 73, 77, 78, 81, and 83 are not rendered obvious by the combination of Jacobs and Miyazawa, and therefore the references fail to establish a *prima facie* case of obviousness. Applicants therefore respectfully request the reconsideration and withdrawal of the rejection of claims 59, 63, 64, 66, 70, 71, 73, 77, 78, 81, and 83 under 35 U.S.C. § 103(a).

**Claims 61, 62, 65, 68, 69, 72, 75, 76, and 79**

The Examiner has rejected claims 61, 62, 65, 68, 69, 72, 75, 76, and 79 under 35 U.S.C. § 103(a) as allegedly being obvious over Jacobs in view of Miyazawa, further in view of U.S. Patent No. 5,774,859 to Houser et al. ("Houser"). Applicants respectfully traverse.

As noted above, Jacobs and Miyazawa do not teach or suggest each and every feature of claims 59, 66, 73, 81, and 83, and therefore do not render these claims obvious. Houser does not supply the missing features, and therefore claims 59, 66, 73, 81, and 83 are not rendered obvious by the combination of Jacobs, Miyazawa, and Houser. Claims 61, 62, 65, 68, 69, 72, 75, 76, and 79 depend from claims 59, 66, 73, 81, and 83 and are likewise not rendered obvious by the combination of Jacobs, Miyazawa, and Houser for at least the same reasons as claims 59, 66, 73, 81, and 83, and further in view of their own respective features.

Accordingly, claims 61, 62, 65, 68, 69, 72, 75, 76, and 79 are not rendered obvious by the combination of Jacobs, Miyazawa, and Houser, and therefore the references fail to establish a *prima facie* case of obviousness. Applicants therefore respectfully request the reconsideration and withdrawal of the rejection of claims 61, 62, 65, 68, 69, 72, 75, 76, and 79 under 35 U.S.C. § 103(a).

***Advisory Action dated April 22, 2010***

In the Advisory Action dated April 22, 2010, the Examiner argues that "[a] preliminary search of the new limitations of a high bandwidth communication channel and a low bandwidth communication channel discovered, e.g. Odinak (U.S. Patent No. 5,929,748), which discloses transmitting simple control information by low data bandwidth channels and transmitting audio and video over high bandwidth channels for a home automation system." (Advisory Action, p. 2 (citing Odinak, 2:15-25)). Specifically, Odinak relates to using the X10 communication protocol for low bandwidth

signaling over home electrical wiring, and introducing a higl. bandwidth communication protocol for audio and video transmission. (Odinak, 2:15-25 and 4:64-5:4).

However, Odinak does not provide the necessary teaching or suggestion to enable one skilled in the relevant art to employ its communication protocols to "transmit data to [a] device, responsive to [a] command" in the manner of the instant claims. It is insufficient to show, as with Odinak, that data with low bandwidth utilization can be placed on a low bandwidth channel, and that data with high bandwidth utilization can be placed on a high bandwidth channel. One skilled in the relevant arts would not know to apply this functionality of Odinak in order to "transmit data to [a] device, responsive to [a] command," where the command is recognized through "speech recognition on [a] received input based on a previously stored acoustic model," as recited in claim 59.

Additionally, the Examiner notes that the deletion of language from the independent claims that is now the subject of new claims 84-88 may render the independent claims over-broad. Applicants ask that, should the Examiner establish a basis for rejecting the independent claims, that dependent claims 84-88 be allowed on the grounds set forth above, with the additional argument that one skilled in the relevant art would not know to combine the applied references in a man:ner that would fairly teach or suggest each and every feature of dependent claims 84-88.

The Examiner is invited to contact the undersigned if any additional clarification or claim amendments are believed necessary in order to place the claims in condition for allowance.

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward J. Kessler  
Attorney for Applicants  
Registration No. 25,688

Date: 17 May 2010

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600